

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:

09/760,052

Filed:

January 12, 2001

Inventors:

Ram Rajagopal, Lothar Wenzel, Dinesh Nair and Darren Schmidt

Title:

SYSTEM AND METHOD

FOR SIGNAL MATCHING AND CHARACTERIZATION

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Examiner:

Dastouri, Mehrdad

Group/Art Unit: 2623

Atty. Dkt. No:

5150-51800

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450, on the date indicated

Mark S. Williams

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION **OVER A PRIOR PATENT**

Mail Stop Amendment

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir/Madam:

- 1. National Instruments Corporation is the owner of all rights in the captioned application.
- 2. As sole owner in the captioned application, National Instruments Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,807,305.

3. National Instruments Corporation hereby agrees that any patent so granted on the

captioned application shall be enforceable only for and during such period that it and the prior

patent are commonly owned. This agreement runs with any patent granted on the captioned patent

application and is binding upon the grantee of such patent, and its or his successors or assigns.

4. In making the above disclaimer, National Instruments Corporation does not

disclaim the terminal part of any patent granted on the captioned patent application that would

extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and

§173 of U.S. Patent No. 6,807,305, as presently shortened by any terminal disclaimer, in the event

that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by

a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under

37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any

manner terminated prior to the expiration of its full statutory term as presently shortened by any

terminal disclaimer.

5. The undersigned is an attorney of record.

The Commissioner is authorized to charge any fees which may be required to Meyertons,

Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505\5150-51800\JCH.

Date: Man. 21, 2005

Bv

Mark S. Williams

Reg. No. 50,658

Agent of Record

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